REMARKS

In the Office Action dated August 22, 2008, Claims 1, 2, 4-12, 14-23, 25 and 26 are pending in the application. The Examiner has maintained the rejection of Claims 1, 3-11 and 13-26 under 35 U.S.C. 102(b) as being anticipated by Cox (U.S. Patent No. 6,449,350) (hereinafter "*Cox*"). The Examiner has also maintained the rejection of Claims 2 and 12 under 35 U.S.C. 103(a) as being unpatentable over *Cox* in view of Schneid, et al. (U.S. Patent No. 5,067,149). In the Amendment filed on May 27, 2008, Claims 3, 13, and 24 were canceled. Applicants amend Claims 1, 11, and 22 to further clarify the patentably distinguishing features of the invention. No new matter is being introduced by way of the amendments. Reconsideration of the present application is respectfully requested.

Rejection under 35 U.S.C. 102(b)

Claims 1, 3-11 and 13-26 are rejected under 35 U.S.C. 102(b) as being anticipated by *Cox*. Applicants respectfully traverse this rejection.

> "To anticipate a claim, the reference must teach every element of the claim." MPEP, § 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants amends Claims 1, 11, and 22 to further clarify the patentably distinguishing features of the invention over the cited art. For example, Claim 1, as amended, recites, *inter alia*, "a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit" (emphasis added). Figure 12 of Applicant's disclosure illustrates one embodiment of a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit. Figure 12 is as follows:

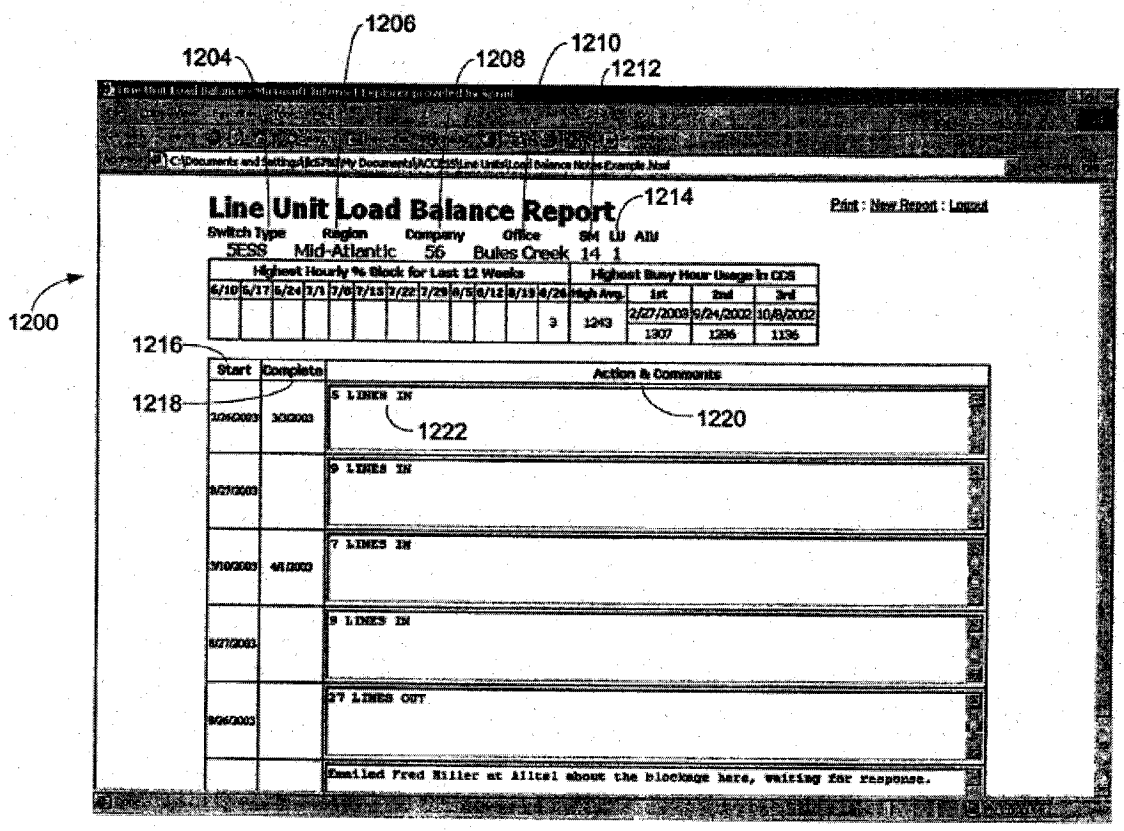


FIG. 12

As depicted in Figure 12 and recited in Claim 1, the load balance display component display[s] historical information regarding activities previously done to balance traffic for network equipment associated with a line unit, such as, but not limited to, activity 1222 depicted in Figure 12.

Cox does not appear to disclose or even suggest "a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit" as recited in Claim 1 (emphasis added).

The Office Action on page 3 cites to several portions of *Cox* (col. 11, lines 25-39, col. 12, line 1-10 and 43-45) in regards to the recited limitation of Claim 1. The cited portions are as follows:

> FIG. 4 shows a traffic engineering system 60 for monitoring and adjusting loads upon the components of SSPs 20, 22 within a network 10 and based upon selection of the average peak segment for each component of SSPs 20, 22. Generally, traffic engineering system 60 aims to (1) monitor the load on each component during the average peak segment selected according to this invention; (2) compare the actual

> load determined from such monitoring with a threshold that is the determined or pre-selected capacity of that component; and (3) alert network engineers to particular components' under- or over-utilization so that the network 10 can be more optimally configured. Processor 42 (or a separate monitoring processor) may couple to database 41 and NIW 44 to perform these functions.

Cox, col. 11, lines 25-39 (emphasis added).

> Display/Terminal 64 and query server 66 allow network 10 traffic managers to run queries and reports against NIW 44 data. Queries may be launched through an administration network 62, which can be a wide area network providing intranet connections within a carrier's region. A single or multiple display/terminals 64 allow for report submission and viewing, ad hoc queries, and descriptor and reference file maintenance. Query server 66 schedules reports and also allows for report viewing and printing.

Cox, col. 10, lines 1-10 (emphasis added).

> By selecting the lower bound 52 to be just under the first mean value 54 while selecting the upper bound 50 to be substantially more than the second mean value 56, traffic data for particularly low traffic days is eliminated from calculations of switch component's average peak loads while many of the high traffic data days, but not days that are unusually high, are kept. This method ensures elimination of low traffic data that would otherwise suggest to network engineers that the switch component could handle more traffic. At the same time, except for exceptionally-volatile high traffic data, most data is kept and analyzed in order to engineer properly the switch component to handle high loads.

Cox, col. 10, lines 43-55 (emphasis added).

Cox, col. 11, lines 25-39, appears to disclose a traffic engineering system for monitoring and adjusting loads upon the components by monitoring the load on each component, comparing the load to a threshold, and alerting network engineers to particular components that are under- or over-utilized. *Cox*, col. 10, lines 1-10, appears to broadly disclose that queries and reports may be performed against the network information warehouse ("NIW") data. *Cox*, col. 10, lines 43-55, appears to disclose a method for sampling traffic data (col. 12, line 18) to "ensure elimination of low traffic data that would otherwise suggest to network engineers that the switch component could handle more traffic."

However, neither the above portions nor any other portion of *Cox* appear to disclose or suggest "a load balance display component for displaying historical information regarding activities previously done to balance traffic for network equipment associated with a line unit" as recited in

Claim 1 (emphasis added). Because *Cox* does not appear to disclose or suggest the identical invention in as complete detail as contained in Claim 1, *Cox* does not appear to anticipate Claim 1 under 35 U.S.C. 102(b). See MPEP, § 2131.

Claim 11 recites, "displaying historical information regarding prior activities performed to balance traffic for network equipment associated with a line unit" (emphasis added). Claim 22 recites, "means for displaying previously performed load balance activities for network equipment associated with a line unit" (emphasis added). For at least the reasons stated above, *Cox* also does not appear to anticipate Claims 11 and 22 under 35 U.S.C. 102(b).

Rejection under 35 U.S.C. 103(a)

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent No. 6,449,350) in view of Schneid, et al. (U.S. Patent No. 5,067,149).

Claims 2 and 12 depend respectively from Claims 1 and 11. Therefore, because Claims 1, 11, and 22, as amended, do not appear to be taught or suggested by the cited references, Claims 2 and 12 depending therefrom are also allowable.

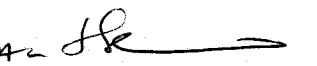
CONCLUSION

For at least the foregoing reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner. Any communication initiated by this paragraph should be deemed an "Applicant-Initiated Interview."

Applicants believe no fee is due. However, if a fee is due, please charge our Deposit Account No. 19-3140, under Order No. 11000060-0041 from which the undersigned is authorized to draw.

Dated: November 21, 2008

Respectfully submitted,

By 

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